



Practitioner's Docket No. 2802/101

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Haapianinen, H.O.

Application No.: 10/825,686

Art Unit: Not Yet Assigned

Filed: April 15, 2004

Examiner: Not Yet Assigned

For: Methods and Devices for Building Construction

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant. (1) within three months of the filing date of a national application; (1) within three months of the date of entry of the national stage as set forth in § 1.491 in an International application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. § 1.97(b)

## CERTIFICATE of MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Date: June 24, 2004

## FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

  
Signature

Charlton Shen

(type or print name of person certifying)

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office)

**NOTE:** The "filing date of a national application" under 37 C.F.R. § 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. § 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.97(b)(2).

### **IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

**NOTE:** "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

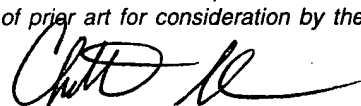
**NOTE:** "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosures statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

Reg. No.: 54,442

  
Signature of Practitioner

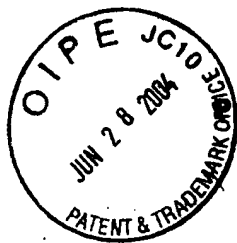
Tel. No.: 617/443-9292

Charlton Shen

Customer No.: 002101

Bromberg & Sunstein LLP  
125 Summer Street, Boston, MA 02110

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action)



Practitioner's Docket No. 2802/101

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Haapianinen, H.O.

Application No.: 10/825,686

Art Unit: Not Yet Assigned

Filed: April 15, 2004

Examiner: Not Yet Assigned

For: Methods and Devices for Building Construction

**Commissioner for Patents****P.O. Box 1450****Alexandria, VA 22313-1450****INFORMATION DISCLOSURE STATEMENT****CERTIFICATE UNDER 37 C.F.R. § 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional.)

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

**37 C.F.R. § 1.8(a)****37 C.F.R. § 1.10\***

- ☒ with sufficient postage as first class mail.

- ☐ as "Express Mail Post Office to Addressee"  
Mailing Label No. \_\_\_\_\_ (**mandatory**)

**TRANSMISSION**

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: June 24, 2004

Signature

Charlton Shen

(type or print name of person certifying)

**NOTE:** "An information disclosure statement shall be considered by the Office if filed by the applicant within any one of the following time periods:

- (1) Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
- (2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;
- (3) Before the mailing date of a first Office action on the merits; or
- (4) Before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114."

37 C.F.R. § 1.97(b).

**NOTE:** "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. § 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. § 1.56(c).

**NOTE:** The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O. G. 13 -25 at 17.

**WARNING:** "No information disclosure statement maybe filed in a provisional application." 37 C.F.R. § 1.51(d).

### **List of Sections Forming Part of This Information Disclosure Statement**

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement: discard *unused* sections and number pages consecutively)

1. ☒ Preliminary Statements
2. ☒ FORMS PTO/SB/08A and 08B (formerly FORM PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☐ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
  - 7A. ☐ EPO Search Report
  - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

**NOTE:** "Once the minimum requirements are met the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

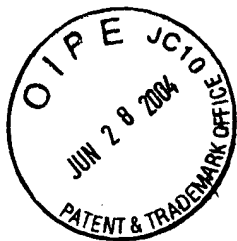
**Section 1. Preliminary Statements**

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

(Information Disclosure Statement—Section 1. Preliminary Statements [6-1]--)

**SECTION 2. FORMS PTO/SB/08A and 08B (formerly Form PTO-1449)****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Haapiainen, H.O.

Attorney Docket: 2802/101

Serial No: 10/825,686

Art Group Unit: Not Yet Assigned

Date Filed: April 15, 2004

Examiner Name: Not Yet Assigned

Invention: Methods and Devices for Building Construction

**LIST OF PATENTS AND PUBLICATIONS FOR APPLICANTS'  
INFORMATION DISCLOSURE STATEMENT****United States Patent Documents**

Examiner Initials	Reference Number	Document Number	Patent Issue Date or Application Publication Date	Inventor(s)
	AA	4,655,011	Apr. 7, 1987	Borges
	AB	4,918,886	Apr. 24, 1990	Benoit et al.
	AC	5,265,384	Nov. 30, 1993	Menke et al.
	AD	5,485,878	Jan. 23, 1996	Derks
	AE	5,742,956	Apr. 28, 1998	Tarver
	AF	5,906,075	May 25, 1999	Sowers
	AG	6,109,189	Aug. 29, 2000	Tarver
	AH	6,357,199 B2	Mar. 19, 2002	Laukhuf et al.
	AI	6,393,775 B1	May 28, 2002	Staschik
	AJ	6,438,903 B1	Aug. 27, 2002	Weiss
	AK	2002/0170240 A1	Nov. 21, 2002	Thompson
	AL	6,493,996 B1	Dec. 17, 2002	Alexander et al.
	AM	2003/0054753 A1	Mar. 20, 2003	Steneby et al
	AN	2003/0084638 A1	May 8, 2003	Vacek

**Foreign Patent Documents**

Examiner Initials	Reference Number	Document Number	Patent Issue Date or Application Publication Date	Country
	AO	0 067 577 A1	Dec. 22, 1982	Europe
	AP	GB2128215 A	Apr. 26, 1984	Great Britain
	AQ	WO 86/06341	Nov. 6, 1986	PCT
	AR	JP 62123240 A	Jun. 4, 1987	Japan
	AS	WO 91/02859	Mar. 7, 1991	PCT
	AT	GB 2260773 A	Apr. 28, 1993	Great Britain
	AU	WO 94/09219	Apr. 28, 1994	PCT

	AV	EP 0611407 A1	Aug. 24, 1994	Europe
	AW	JP 08159533 A	Jun. 21, 1996	Japan
	AX	EP 0 664 456 B1	Jul. 26, 1995	Europe
	AY	WO 99/59229	Nov. 18, 1999	PCT
	AZ	JP200160719 A	Jun. 13, 2000	Japan
	BA	WO 00/36238	Jun. 22, 2000	PCT

### Other Documents

Examiner Initials	Reference Number	Author	Date	Title
	BB	unknown	Copyright 2002, 2003	Commercial literature regarding Hopeman Technology and Innovation, viewed from the World Wide Web on 18 June 2003 at <a href="http://www.hopemanbrothers.com/techinnovation2.htm">http://www.hopemanbrothers.com/techinnovation2.htm</a>
	BC	unknown	Copyright 2002	Commercial literature regarding Euro Sauna, viewed from the World Wide Web on 16 May 2003 at <a href="http://www.eurosauna-usa.com/7x8INS522ComINs3.htm">http://www.eurosauna-usa.com/7x8INS522ComINs3.htm</a>

Examiner Signature: \_\_\_\_\_

Date Considered: \_\_\_\_\_

NOTE FOR EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance AND not considered. Include copy of this form with next communication to applicant.

## Section 6. Copies of Listed Information Items Accompanying This Statement

*NOTE: 37 C.F.R. § 198(a)(2) requires that any information disclosure statement filed under § 1.97 shall include:*

*"A legible copy of.:*

- (i) Each U.S. patent application publication and U.S. and foreign patent;*
- (ii) Each publication or that portion which caused it to be listed,*
- (iii) For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion. . .*

Legible copies of all items listed in Forms PTO/SB/08A and 08B (formerly Form PTO-1449) accompany this information statement.

*(complete the following, if applicable)*

Exception(s) to above:

US patent application publications and U.S. patents.

Note: the Patent and Trademark Office has waived the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003

- ☐ Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.
- ☐ Cumulative patents or publications identified in Section 5.



**Section 10. Identification of Person(s) Making This Information Disclosure Statement**

The person making this statement is

*(check each applicable item)*

- (a) ☐ the inventor(s) who signs below

\_\_\_\_\_  
SIGNATURE OF INVENTOR

\_\_\_\_\_  
(type or print name of inventor who is signing)

- (b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c))

\_\_\_\_\_  
SIGNATURE OF INVENTOR

\_\_\_\_\_  
(type or print name of inventor who is signing)

- (c) ☒ the practitioner who signs below on the basis of the information:

*(check each applicable item)*

- ☐ supplied by the inventor(s).
- ☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. § 1.56(c))
- ☒ in the practitioner's file.

Reg. No.: 54,442

Tel. No.: 617/443-9292

Customer No.: 002101



\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

\_\_\_\_\_  
Charlton Shen

(type or print name of person certifying)

Bromberg & Sunstein LLP

125 Summer Street

Boston, MA 02110-1618

(Information Disclosure Statement-Section 10. Identification of Person(s) Making This Information Disclosure Statement [6-1]-

02802/00101 318888.1